

Memorandum to the City of Markham Committee of Adjustment

March 9, 2020

File: A/020/20
Address: 20 Boynton Circle, Markham
Applicant: Amir Premji
Agent: Ian Robertson Design (Bobbi-Jo Mackinnon)
Hearing Date: Wednesday March 18, 2020

The following comments are provided on behalf of the West Team:

The applicant is requesting relief from the following requirement of By-law 304-87, as amended, to permit:

a) Section 7.5(b)(iv)

a minimum accessory building (gazebo) side yard setback of 2.10 metres, whereas the by-law requires a minimum side yard setback of 3.0 metres.

BACKGROUND

Property Description

20 Boynton Circle (the "Subject Property") is located on the north side of Major Mackenzie Drive East, west of Warden Avenue and east of the hydro corridor. The Subject Property is approximately 1 acre (0.4 hectare) and has a frontage of approximately 47.55 metres (156 feet). Currently there exists a detached two-storey dwelling under construction and mature vegetation along the north and south property lines. A septic system is located within the rear yard.

Surrounding Uses

The Subject Property is located within an established residential estate subdivision known as Jennings Gate Estates, which is characterized by single detached dwellings on large lots surrounded by significant landscaped open spaces. It is bounded by single detached dwellings to the north and south and a hydro corridor to the west.

Proposal (the "Proposal")

A site visit conducted by Staff on February 21, 2020 has confirmed that the applicant has constructed a gazebo in the rear yard along the north property line. The height and area of the gazebo, according to the plans submitted, is approximately 4.2 metres (13'-9") and 25.96 m² (279 ft²) (see Appendix A: Supporting Plans). The applicant is seeking to permit a reduced side yard setback as it relates to the existing gazebo.

Zoning Preliminary Review (ZPR) Not Undertaken

The Owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However the applicant has received comments from the building department through their permit process to confirm the variances required for the proposed development.

Official Plan and Zoning

2014 Official Plan (as partially approved on November 24, 2017 and further updated on April 9, 2018) (2014 Official Plan)

The Subject Property is designated "Residential Estate" which provides for detached dwellings. Section 8.2.2.4 of the 2014 Official Plan outlines development criteria with respect to the distinct topography, building forms, lot size, massing, landscaping, setbacks and areas adjacent to watercourses or other groundwater recharge areas. This criteria is established to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. The intent for these areas is to retain the landscape character established by the pattern of lot sizes and to ensure that any proposed changes to buildings reflect the pattern of development already established in the area.

Zoning By-law 304-87

The Subject Property is zoned Rural Residential Estate (RRE) under By-law 304-87, as amended which permits one single family detached dwelling and a private home daycare subject to special provisions. Accessory buildings are only permitted in the rear yard.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 6, 2020. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

COMMENTS

The *Planning Act* states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained; and,
- d) The general intent and purpose of the Official Plan must be maintained.

Staff have reviewed the proposal and do not have any concerns. Key considerations included:

- The gazebo massing is minimized as it's a one-storey, unenclosed structure
- Engineering staff have reviewed the application and have no concern with the variance respecting drainage
- The variance request only applies to the gazebo and does not permit the dwelling to encroach within the required minimum setback
- Ample opportunities for landscaping continue to exist

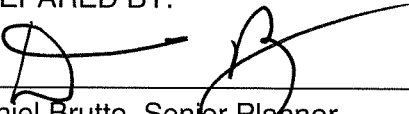
CONCLUSION

Planning staff have reviewed the application with respect to Section 45(1) of the *Planning Act, R.S.O., c. P.13*, as amended, and are of the opinion that the variance request meets the four tests of the Planning Act. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

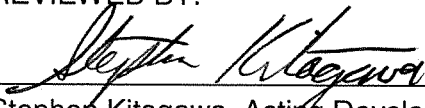
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Daniel Brutto, Senior Planner

REVIEWED BY:



Stephen Kitagawa, Acting Development Manager, West District

Appendix A: Conditions of Approval

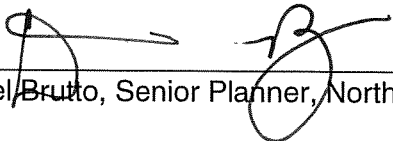
Appendix B: Supporting Plans

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/020/20

1. The variance apply only to the proposed development as long as it remains; and,
2. That the variance apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and received by the City of Markham on February 10, 2020, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction,

CONDITIONS PREPARED BY:



Daniel Brutto, Senior Planner, North District

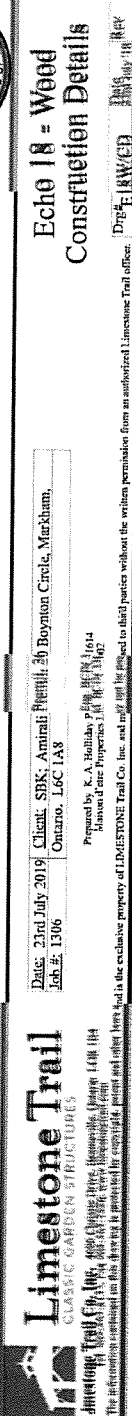
IAN ROBERTSON DESIGN



SITE DATA		ZONING	PROPOSED
ZONE	RRE		
LOT FRONTAGE	36.50 M2		47.55 M2
LOT AREA	4000 M2		4044.18 M2
FRONT YARD SETBACK	7.50 M		21.24 M PORCH 21.71 M HOUSE
SIDE YARD SETBACK	3.50 M		4.32 M NORTH 7.34 M SOUTH
REAR YARD SETBACK	7.50 M		26.43 M
SIDE YARD SETBACK GAZEBO	3.50 M		2.10 M
REAR YARD SETBACK GAZEBO	7.50 M		11.09 M
GROUND FLOOR AREA	N/A		175.85 M2
GROSS FLOOR AREA	N/A		940.75 M2
INT. GARAGE LENGTH (MIN)	N/A		6.57 M
INT. GARAGE WIDTH (MIN)	N/A		8.23 M
DRIVEWAY WIDTH (MAX)	8.09 M		4.89 M / 7.97 M
# OF PARKING SPACES	2		4
LOT COVERAGE	NOT		
INCL. PORCH	LOT COVERAGE		14.74% (596.23 M2)
PORCH			2.95% (119.28 M2)
LOT COVERAGE GAZEBO			0.64% (25.96 M2)
TOTAL COVERAGE	N/A		18.33% (741.47 M2)
BUILDING HEIGHT TO TOP OF FLAT	10.70 M		N/A
BLDG HEIGHT TO MIDPOINT	9.09 M		9.09 M
EAVE PROJECTION	N/A		0.56 M
FRONT YARD AREA			1163.84 M2
DRIVEWAY AREA			386.11 M2
WALKWAY & STAIR AREA			0.00 M2
LANDSCAPING			1163.84 - 386.11 = (777.73 M2) 66.82%
FRONT YARD SOFT			40% (465.53 M2)

20 BOYNTON CIRCLE, CITY OF MARKHAM		SITE PLAN	
20 KENNEDY ROAD, UNIT 101, VAUGHAN, ONTARIO, L4K 2M6 PHONE: (416) 662-0111, FAX: (416) 662-1183, WWW.VANRORSTONDESIGN.CA		20 KENNEDY ROAD, UNIT 101, VAUGHAN, ONTARIO, L4K 2M6 PHONE: (416) 662-0111, FAX: (416) 662-1183, WWW.VANRORSTONDESIGN.CA	
CUSTOM HOME	LOT 4	17-58	1 OF 1
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APPENDIX "B"





Echo 18 - 3 x 8" Wood Pier and Column Layout

Drugs# E18W/PCL Date 23rd July '19 Rev

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Prepared by K. A. Holliday P. Eng. BCIN 31614
Maison d'entre Preuneries Ltd BCIN 33602

International Travel Co., Inc. 4000 Capital Circle, Jacksonville, Florida 32202

The investigation concerned an area where the road is protected by a concrete wall, and where the road is protected by a concrete wall.